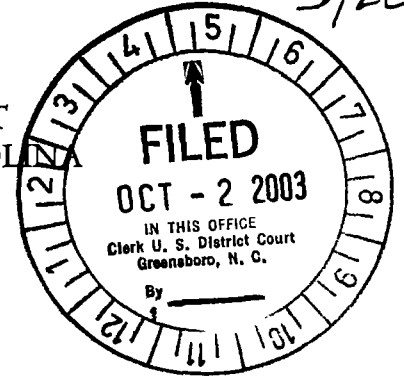


211.

D/28

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



THE CINCINNATI INSURANCE  
COMPANY, THE CINCINNATI  
CASUALTY COMPANY, and THE  
CINCINNATI INDEMNITY COMPANY,

Plaintiffs,

v.

CENTECH BUILDING CORPORATION,  
WILLIAM MASSEY & ASSOCIATES A.K.A.  
WILLIAM MASSEY & ASSOCIATES, INC.,  
WILLIAM H. MASSEY,  
DYNAMIC DEVELOPMENT GROUP, LLC.,  
BB&T BANK OF SOUTH CAROLINA,  
BETTY HARBIN LITTLE, and  
LANNEAU WILLIAM LAMBERT, JR.,

Defendants,

And

DYNAMIC DEVELOPMENT GROUP, LLC,

Defendant/Third-Party  
Plaintiff,

v.

SMITH HELMS MULLISS & MOORE, LLP

Third-Party Defendant.

1:00CV00280  
1:00CV00281  
1:00CV00282  
1:00CV00283  
1:00CV00284

ORDER

BEATY, District Judge.

For the reasons set forth in the contemporaneously filed Memorandum Opinion, the  
Court hereby ORDERS the following:

Defendants Lambert, Little, and Smith Helms' joint Motions for a Hearing on Plaintiffs' Motion to Amend Its First Amended Pleadings [Documents #123 and 125] were GRANTED based upon the Court conducting a hearing on this matter on May 19, 2003.

For the reasons stated in the accompanying Memorandum Opinion, Plaintiffs' Motion to Amend Its First Amended Pleading [Document #115] is GRANTED in part and DENIED in part. In addition, for the reasons previously stated, Plaintiffs' Motion to Substitute Second Amended Pleading [Document #135] is GRANTED in part and DENIED in part.

To the extent that it is uncontested, Plaintiffs' Motion to Cite Supplemental Authority in Favor of Its Motion for Summary Judgment as to DDG's Counterclaim [Document #174] is GRANTED. Furthermore, having considered the arguments of both parties, Plaintiffs' Motion for Summary Judgment [Document #136] is GRANTED with respect to two of DDG's counterclaims asserting Plaintiffs' violations of the Unfair and Deceptive Trade Practices Act and common law bad faith. However, Plaintiffs' Motion for Summary Judgment on the Issue of Bond Validity is DENIED for the reasons stated in the accompanying Memorandum Opinion.

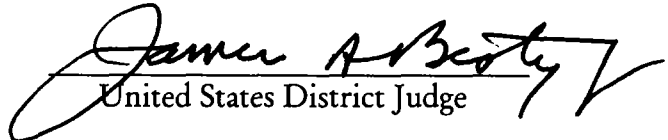
Lambert's Motion to Strike Gratuitous Arguments Contained in Plaintiffs' Response to Defendant BB&T's Motion for Summary Judgment [Document #178] and Plaintiffs' Cross Motion to Strike [Document #181] are both hereby DENIED. However, Lambert's Motion for Summary Judgment [Document #140] as to Plaintiffs' claims against Lambert is GRANTED and all claims against Lambert are hereby DISMISSED.

BB&T's first Motion for Summary Judgment [Document #56] submitted with respect to Plaintiffs' Declaratory Judgment cause of action is DENIED as being moot in view of the amended pleading which the Court allowed Plaintiffs to assert against BB&T. However, BB&T's subsequent Motion for Summary Judgment [Document #133] as to the claims Plaintiffs asserted

against BB&T in its First Amended Complaint is hereby GRANTED and all of Plaintiffs' claims against BB&T are hereby DISMISSED.

Finally, for the reasons stated in the accompanying Memorandum Opinion, Little and Smith Helms' Motion for Summary Judgment [Document #143] is GRANTED in all respects as to the claims and crossclaims asserted by Plaintiffs and DDG, respectively, against Little and Smith Helms and all claims and crossclaims asserted against Little and Smith Helms by Plaintiffs and DDG are hereby DISMISSED.

This, the 2 day of October, 2003.

  
United States District Judge